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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,416	11/26/2003	Taketo Yoshii	742406-21	6571

7055 7590 03/16/2005

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EXAMINER	
NAJJAR, SALEH	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/721,416	YOSHII ET AL.	
	Examiner	Art Unit	
	Saleh Najjar	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/26/03, /08/24/0*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the application filed on November 26, 2003. Claims 1-4 are pending.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,711,620. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed step of the focused application is obvious n view of the 620' Patent.

5. Claims 1-4 of this application conflict with claims 1-8 of Application No. 10/756, 405, claims 1-18 of Application No. 10/756,425, and claims 1-47 of Application No. 10/756,540. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either

cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

6. Claims 1-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,711,620 in view of U.S. Patent No. 5,801,696 (Roberts).

The claimed feature of the focused application is taught by the Roberts reference (see col. 11, 1-60; col. 12, lines 15-25, the current open window is the focused application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the 620' reference to include the focused application of Roberts. One would be motivated to do so to recognize the currently running application window.

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/756,268. Although the conflicting claims are not identical, they are

not patentably distinct from each other because the instant application represents a method and the 268' reference claims an apparatus.

9. Claims 1-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of copending Application No. 10/756,539. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation wherein the event received as part of a digital broadcast is found in the dependent claims.

10. Claims 1-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 10/756,503. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation wherein the event received as part of a digital broadcast is found in the dependent claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts, U.S. Patent No. 5,801,696.

Roberts teaches the invention substantially as claimed including a system and method for queuing events destined for one or more windows associated with applications displayed by a computer (see abstract).

As to claim 1, Roberts teaches an event sending method in a computer for sending to an application an event corresponding to an input from a user, comprising:

a step for accepting receivable event information identifying an event that is capable of being received by the application, the application capable of executing a process based on the event (see figs. 1-6; col. 2, lines 60-67; col. 3, lines 1-10, lines 45-55; col. 4, lines 1-10; col. 12, lines 60-67, Roberts discloses that applications are associated with certain types of logical events representing user inputs),

a step for determining an application to which the event is sent based on application determining information that defines wllich application receives the event based on the receivable event information (see col. 4, lines 1-30, Roberts discloses that the event is routed by the dispatcher based on its type); and

a step for sending the event corresponding to the input from the user to a second predetermined application other than the first predetermined application based on a second application determining information when there is second application determining information identifying that the event corresponding to the input from the user can be received by the second predetermined application (see col. 4, lines 1-67; col. 6, lines 1-67, Roberts discloses that the dispatcher routes the event to the appropriate window associated with the particular application), wherein

a step for sending the event to the application determined in the step for determining the application; wherein the determined application is a focused application (see col. 12, lines 15-20, Roberts discloses that the application informs the dispatcher of the types of events it is interested in).

Roberts fails to teach the claimed limitation of a broadcast receiver.

However, "Official Notice" is taken that the concept and advantages of implementing the event sending method in a digital broadcast receiver is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Roberts by implementing the window display process in a digital broadcast receiver. One would be motivated to do so to implement an application windowing capability through a graphical user interface in a digital broadcast receiver.

As to claim 2, Roberts teaches the method of claim 1 above, further comprising the step of sending the event to the focused application. (see col. 5, lines 15-20; col. 12, lines 15-25).

As to claim 3, Roberts teaches the event sending method according to claim 1, wherein the determination is based on stored application determining information. (see col. 12, lines 1-20, dispatcher memory).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Saleh Najjar

Primary Examiner / Art Unit 2157